

Application Serial No. 09/806,810
Reply to Office Action dated April 18, 2005
Office Action dated October 19, 2004

REMARKS/ARGUMENTS

In the Office Action dated October 19, 2004, the Examiner has rejected the subject matter of Claims 4-12 and 14-19 under 35 U.S.C. §103(a) as being unpatentable over the following references: U.S. Patent No. 4,398,651 to Kumpfer; U.S. Patent No. 6,061,668 to Sharrow; U.S. Patent No. 4,592,485 to Anderson et al.; and U.S. Patent No. 6,056,194 to Kolls. The references and the Examiner's rejection of the various claims are discussed in detail below.

The Examiner has rejected Claims 4-12 and 14-19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In response to the rejections, Applicant had amended Claims 4 and 6 to address the §112, second paragraph, rejections. No new matter has been added.

Claim 4 has been amended to more specifically define the present invention. Claim 4 states that the apparatus can be controlled through a telecommunications network or the Internet using a telecommunications unit to remotely control at least one of the functions of the apparatus that can also be performed by the control center and the user interface. Support for the amendment can be found on page 4, lines 23-30. No new matter has been added.

Claims 4-12 and 14-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,398,651 to Kumpfer in view of U.S. Patent No. 6,061,668 to Sharrow. The Examiner concedes that the Kumpfer '651 reference does not disclose a telecommunications unit. The Examiner contends that the Sharrow '668 reference teaches a telecommunications unit to send message data to various consumer equipment. The Examiner contends it would have been obvious to a person having ordinary skill in the art to modify the Kumpfer '651 reference as taught by the Sharrow '668 reference to thereby link a central computer to the Kumpfer's '651 reference's devices. Applicant traverses the rejection and requests withdrawal based on the following analysis.

The Kumpfer '651 reference does not teach or suggest a device controlled by a telecommunications unit or that the device is remotely controlled. The Kumpfer reference

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only teaches that a land line can be used to enable a device to indicate to a remote location its inventory. The Kumpfer '651 reference does not teach or suggest that the device itself is actuated by the telecommunications connection or the land line. The Kumpfer '651 reference is a food vending machine which must be used with money and is not an apparatus for processing food portions as defined in the claims of the present application.

The Sharrow '668 reference relates to a system of networking appliances and vending machines to allow for personalized account billing to use a vending machine, as disclosed in column 2, lines 6-13. The Sharrow '668 reference only teaches that the local area network or land line is used to conduct service requests from an appliance or machine as disclosed in column 5, lines 25-36. The Sharrow '668 reference does not teach or suggest that a remote controlled network, such as a wired or wireless telecommunications system or the Internet, is used to control the device. Consequently, even if one were to combine the Kumpfer '651 reference with the Sharrow '668 reference, an apparatus for processing food portions connected to a telecommunications unit or the Internet to provide remote controlling of the apparatus that would otherwise be performed by the control center and the user interface on the apparatus would not be created.

Accordingly, Claim 4 and those claims depending therefrom patentably distinguish over the prior art.

Claims 4-12 and 14-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,592,485 to Anderson et al. in view of U.S. Patent No. 6,056,194 to Kolls. The Examiner concedes that the Anderson et al. '485 does not disclose a telecommunications unit. The Examiner contends that the Kolls '194 reference teaches the use of a telecommunications unit to send message data to vending machines. The Examiner further contends that it would have been obvious to one having ordinary skill in the art to modify the Anderson et al. '485 reference as taught by the Sharrow '668 reference to link a central computer to the Anderson et al.'s '485 references' device. Applicant traverses a rejection and requests withdrawal based on the following analysis.

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The Anderson et al. '485 reference does not teach or suggest a telecommunications network linked to a meal vending apparatus. The Anderson et al. '485 reference is a vending machine which has food in a refrigerated cabinet. The Anderson et al '485 reference does not teach or suggest that the user has a choice between the types of meals that are stored in the device.

The Kolls '194 reference does not teach or suggest that vending machines are remotely controlled through a telecommunications network as defined in the claims of the present invention. The Kolls '194 reference teaches a system and method for networking and controlling vending machines that allows for credit verification when using a credit card with a vending machine. Specifically, the Kolls '194 reference uses a control system connected via a local area network line RS 232 as disclosed in column 8, lines 65 and 67. In column 7, line 57 through column 8, line 11, a mechanical malfunction such as a sleep signal or an out of order signal can be transmitted. The Kolls '194 references does not teach or suggest that the remote location controls the user's nutrition level and diet as defined in claim 9.

Consequently, even if one were to combine the Anderson et al. et al. '485 reference with the Kolls '194 reference, a telecommunications network to order new food portions from a food supplier as defined in claim 14 would not be provided. Further a combination of both of the references would not produce an apparatus for processing a food portion having a control system, a user interface, and a telecommunications network to control the functions of the apparatus.

Accordingly, Claim 4 and those claims depending therefrom patently distinguish over the prior art.

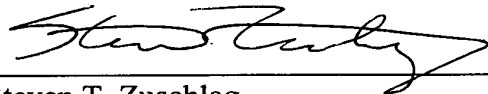
Applicant has enclosed the required three (3) month extension of time and required fee.

A Notice of Appeal has been filed with this response to allow the Examiner time to consider the Amendment and remarks.

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In view, therefore, of the amendment to the claims as well as the remarks set forth above, Applicant firmly believes the present application is in all respects in condition for allowance which action is earnestly solicited.

Respectfully submitted,



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